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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DONALD WORTMAN, WILLIAM
ADAMS, MARGARET GARCIA,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

AIR NEW ZEALAND, LTD., *ET AL.*

Defendants.

This document relates to:

Kaufman, et al. v. Air New Zealand, Ltd., et al., The Honorable Charles R. Breyer
Case No. C-07-6417 JL

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that plaintiffs Martin Kaufman, Ireatha Diane Mitchell, Rosemary Schenk and Lemuel Schenk (“Plaintiffs”), hereby move this Court pursuant to Civil Local Rules 3-12(b) and 7-11 of the United States District Court of the Northern District of California to consider whether the action entitled, *Kaufman et al. v. Air New Zealand, Ltd., et al.*, Case No. CV-07-6471 JL (“*Kaufman*”), filed December 19, 2007, should be related to *Wortman, et al. v. Air New Zealand, Ltd., et al.*, Case No. CV-07-5634 CRB (“*Wortman*”), filed November 6, 2007 in the Northern District of California and assigned to the Honorable Charles R. Breyer.

I. Related Cases

Pursuant to Local Rule 3-12(b), the *Kaufman* action should be related to the *Wortman* action as the earliest-filed case.

On January 23, 2008, Judge Breyer entered an order relating the *Wortman* action and 1) *Brenden Maloof v. Air New Zealand, Ltd., et al.*, Case No. CV-07-5811 CRB (“*Maloof*”), filed in the Northern District of California on November 15, 2007; 2) *Robert Casteel III, et al. v. Air New Zealand, Ltd., et al.*, Case No. CV-07-6343 EMC (“*Casteel*”), filed in the Northern District of California on December 14, 2007; and, 3) *Micah Abrams v. Air New Zealand, Ltd., et al.*, Case No. CV-08-0339 MEJ (“*Abrams*”), filed in the Northern District of California January 17, 2008.

Like the *Wortman*, *Maloof*, *Casteel*, and *Abrams* actions, the *Kaufman* action alleges that defendants engaged in a conspiracy to fix the prices for passenger air transportation services containing transpacific flight segments.

II. Relationship of the Actions

This Administrative Motion is made on the grounds that the *Kaufman* action and the *Wortman*, *Maloof*, *Casteel*, and *Abrams* actions, all involve substantially similar questions of fact and law and concern the same wrongful acts and occurrences.

Specifically, all cases involve allegations that many of the same defendants participated in a conspiracy to fix, raise or maintain the price for passenger air transportation services

1 containing transpacific flight segments in violation of Section 1 of the Sherman Act, 15 U.S.C.
 2 §1. Thus, the *Wortman*, *Maloof*, *Casteel*, *Abrams*, and *Kaufman* cases “concern substantially the
 3 same parties” as well as the same “property, transaction or event.” L.R. 3-12(a)(1). Given the
 4 closely related nature of these cases, each involving substantially similar questions of law and
 5 fact, the assignment of these actions to the same judge would serve the interests of judicial
 6 economy and avoid the potential for conflicting rulings.

7 Pursuant to Local Rule 3-12(b)(2), it appears likely that there will be an unduly
 8 burdensome duplication of labor and expense or the possibility of conflicting results if these
 9 cases are conducted before different Judges. Therefore, it will be more efficient for all cases to
 10 proceed before the same Judge so that these analyses and determinations are made by one Court.
 11 This will avoid duplication of labor and expenses and the possibility of conflicting results.

12 **III. Conclusion**

13 The *Wortman*, *Maloof*, *Casteel*, *Abrams*, and *Kaufman* actions satisfy the criteria of Rule
 14 3-12, and as such, the relation of these actions is proper. Therefore, Plaintiffs respectfully
 15 request that the *Kaufman* action be related to the *Wortman* action and assigned to the Honorable
 16 Charles R. Breyer.

17 Dated: January 29, 2008

18 By: /s/ Lauren C. Russell
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